

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

Court Minutes

HEARING DATE: April 11, 2025
JUDGE: Brett H. Ludwig
CASE NO.: 23-cv-0489
CASE NAME: Acevedo v. Mattioli et al.
MATTER: Joint Motion to Amend Scheduling Order
APPEARANCES: Devon Jacob, Attorney for Plaintiffs
Jasmyne Baynard, Attorney for Defendant Mattioli
Clint Muche, Attorney for Defendants Robert Roach, Alfonso Morales,
and the City of Milwaukee (the “City Defendants”)

TIME: 1:34 p.m. – 1:56 p.m.

COURTROOM DEPUTY: Julie D.

AUDIO OF THIS HEARING IS AT ECF NO. 47

The Court summarized the procedural history of this long-pending civil case, which has been pending for more than two years. The Court acknowledged that the case was initially stayed due to parallel criminal proceedings but noted that the initial scheduling order was issued nearly 15 months ago, on January 18, 2024. (ECF No. 34.) The Court also emphasized that the scheduling order specifically provided that the schedule was not to be modified “except upon a showing of good cause and by leave of the Court.” (*Id.* ¶15.) The Court then reviewed its granting of the parties’ prior requests for extensions of the schedule, including text only orders granting three-month extensions on May 7, 2024 and August 30, 2024. (ECF Nos. 38 & 42.) The Court noted that the parties had filed a joint status report informing the Court that no depositions had yet been completed on November 15, 2024, the day primary expert witnesses were due. (ECF No. 44.) Now, *after* discovery has already closed, the parties have filed a joint motion to amend the schedule. (ECF No. 45.) The motion reports that the parties have still not taken any depositions but notes that depositions are scheduled throughout April. (*Id.*) The parties request a significant extension for all deadlines. (*Id.*)

The Court expressed its frustration with the parties’ failure to conduct discovery timely and their unilateral decision to schedule depositions after the discovery deadline expired. The Court gave counsel the chance to explain why the case has not progressed past the exchange of documents. Counsel for Plaintiffs indicated that the documents provided were extensive and there

were complex issues about whether the officer was on or off duty. He indicated that much of the delay was due to document production from third party agencies. Counsel for Defendant Mattioli agreed with Plaintiffs' Counsel and explained that the delay was due to third party subpoenas. Counsel for the City Defendants agreed with Counsel for Defendant Mattioli. He admitted that the extension requested was significant but explained that the significant length was to accommodate all the various attorneys and law firms involved in the case.

The Court reluctantly granted the motion, but only in part, and indicated that further extensions would not be granted absent extraordinary circumstances. The Court explained the need to seek extensions before a deadline has passed. The Court then set a more abbreviated extension of the latest schedule.